

DRAFT
Technical Issues Committee (TIC)
Meeting Notes
8 August 2006

Attendees:

Barbara Payne, City of Galt
Diane Anderson, APPL, Inc.
Stephen Clark, Pacific EcoRisk
Tina Lunt, Northern CA Water Association
Marshall Lee, CA Department of Pesticide Regulation
Chris Linneman, Summers Engineering
Susan Fregien, Central Valley Water Board
Dave Ceppos, Center for Collaborative Policy (CCP)
Dania Huggins, Central Valley Water Board
Ken Landau, Central Valley Water Board
Claus Suverkropp, Larry Walker and Associates
Leticia Valadez, Central Valley Water Board
John Griffin, City of Galt
Bill Croyle, Central Valley Water Board
Roberta Firoved, California Rice Commission
Krista Callinan, MLJLLC
Mike Johnson, AEAL UCD
Bill Thomas, South San Joaquin Water Quality Coalition
Jim Atherstone, South San Joaquin Irrigation District
Sandy Nurse, Sierra Foothill Laboratory, Inc.
John Meek, SJCDWQC
Rich Gossett, CRG Labs
Dana Kulesza, Central Valley Water Board
Bill McKinney, East San Joaquin Water Quality Coalition
Jay Rowan, Central Valley Water Board
Brian Taylor, Central Valley Water Board
John Swanson, Central Valley Water Board
Melissa Morris, Central Valley Water Board
Margie Lopez-Read, Central Valley Water Board

Current Action Items

1. The Triggers Focus Group Recommendation #5 was approved during the July TIC Meeting. Central Valley Water Board Staff will provide feedback on this recommendation at the 19 September TIC meeting.
2. The Triggers Focus Group Recommendation #7 on Flow and Load was tabled for further discussion by the Focus Group and other TIC participants. This recommendation will be modified and submitted for final consensus at the 19 September TIC Meeting.

3. The Triggers Focus Group Recommendation #6 for Assessment Completeness will be considered for final consensus at the 19 September TIC Meeting.
4. The Triggers Focus Group Recommendation for Follow-up to Failed Control Tests. This recommendation will be refined by the Triggers Focus Group and considered for final consensus at the 19 September TIC Meeting.
5. The Sediment Toxicity Focus Group Recommendation #2 reached consensus during the meeting. Central Valley Water Board Staff will provide feedback on this recommendation at the 19 September TIC meeting.
6. Laboratory Round Table Recommendation #1 reached consensus during the meeting. Central Valley Water Board Staff will provide feedback on this recommendation at the 19 September TIC meeting.
7. Laboratory Round Table Recommendation #2.1 will be modified and presented for final consensus at the 19 September TIC Meeting.
8. Laboratory Round Table Recommendation #2.2 will be modified and presented for final consensus at the 19 September TIC Meeting.
9. Laboratory Round Table Recommendation 3 will be considered for final consensus at the 19 September TIC Meeting.
10. Laboratory Round Table Recommendation 4.1 will be considered for final consensus at the 19 September TIC Meeting.
11. Laboratory Round Table Recommendation 4.2 will be considered for final consensus at the 19 September TIC Meeting.

Meeting Summary

- I. Introductions and Announcements:** The facilitator (Dave Ceppos) described why the meeting (and future meetings) will be publicly noticed. All attendees introduced themselves and described their expectations for the meeting. There was a brief review of the purpose, history and accomplishments of the TIC to date. The agreed upon 2-step process for reaching consensus on recommendations for the MRP was also described. There was a brief review of the critical path to point out timing and Recommendations that have been finalized and submitted to Board Staff.

Based on the fact that the Board wants the Tentative MRP to be brought to them for approval (which necessitates a 30-day public comment period) it will be December 2006 before the Tentative MRP can be finalized. The goal is to finalize TIC recommendations during the September TIC meeting. A question was asked about issues that may need more time (beyond September meeting) to come to agreement. It was suggested that if

participants don't reach consensus then a recommendation could be presented to the Board with alternatives that reflect the differing opinions. The possibility that the Board Hearing of the revised MRP could be postponed from December to January or March of 2007 was also briefly discussed. Participants generally agreed to attempt to reach the deadline for a Board presentation of the MRP in December.

A question was asked about feedback to the TIC participants regarding acceptance, modification or rejection of TIC recommendations. At a minimum, Board Staff will provide an explanation to TIC participants regarding recommendations that are modified or rejected for inclusion in the MRP. Board Staff are striving to achieve the opportunity for a preview of a draft MRP to the TIC participants prior to public posting of the Tentative document. If the December meeting is to be met, however, posting to the public should occur on about 2 October 2006, and any TIC preview will necessarily be extremely brief..

An announcement was made regarding the Monitoring Workshop scheduled for the October Board Meeting and to solicit participation by interested stakeholders. A deadline of 31 August was given for TIC participants to provide recommendations, thoughts or requests for the October Monitoring Workshop.

- II. **Triggers Focus Group Recommendation #5.** During the July TIC Meeting the TIC participants agreed that Recommendation #5 should be forwarded to the Central Valley Water Board staff as a TIC recommendation with edits that were made during the meeting. During this meeting Stephen Clark reiterated the edits that were agreed upon during the July meeting. Water Board Staff feedback on this recommendation is expected at the September TIC Meeting.
- III. **Triggers Focus Group Recommendation on Flow & Load (#7).** Mike Johnson presented the TIC Recommendation #7 regarding Flow and Load measurements for the MRP monitoring locations. The text regarding the 'float method' was added following the last TIC Meeting. The main issue is how measurements should be conducted in non-wadeable water bodies. A participant pointed out that there are cases where it is impossible to access a water body (i.e., stream is in a pipe) and the coalitions need flexibility in how to estimate flow. Two major points of discussion took place: 1) the need/validity of using methods other than the USGS method, and 2) the validity of using any flow data (precise or not) to calculate load. The data indicate that USGS is the preferred method for flow-calculations, and that any method that is less rigorous is less precise. The question was posed as to whether the Board would prefer to have less precise flow estimates or no estimate at all where the USGS method cannot be employed. Several participants expressed a concern about using flow measurements from this program to calculate loads because streamflow and constituent concentration are so highly variable. The data being collected represent only an instantaneous value and can't be extrapolated to calculate loads.

Board Staff and participants expressed that it is important to have some estimate of flow. Board Staff stated that the significance of a data point depends greatly on whether the flow is a small tributary or a large river. These should illicit a very different response and are very different scenarios from a regulatory perspective.

A participant asked how qualified and unqualified flow data will be defined. Another participant asked how much emphasis is being placed on calculating load. A participant suggested that using high/medium/low categories or ranges of flow is a possible solution.

Recommendation #7 was tabled for further discussion and language modification by the focus group (and others) before the September TIC meeting.

Bill Croyle stated that this program has been identified by the Board for implementation of TMDLs that are being adopted. Objectives in the MRP need to be reviewed and clarified regarding these objectives.

IV. **Triggers Focus Group Recommendation #6 (Assessment Completeness).** Mike Johnson from UC Davis presented the recommendation. The current language regarding development of a Long-term Strategy as described in the Tentative MRP provides the flexibility needed by Coalitions to develop approaches that meet their particular region. No new language is recommended for the MRP. This recommendation will be considered for consensus at the September TIC Meeting.

V. **Triggers Focus Group Recommendation for Follow-up to Failed Tests.** Stephen Clark presented a Draft Recommendation for steps to deal with failed control tests. Several comments/suggestions were made by participants:

- Is this really a problem that needs a fix? The EPA method has no meaning to the Coalitions. Re-sampling is not required in the MRP.
- There are very few control failures. Could performance-based language (similar to chemical analytes) be adopted? Laboratories could provide a corrective action report.
- This issue could be addressed in the individual QAPPs?
- One coalition representative stated that when a test indicates there might be toxicity at a site they immediately resample.
- If results of toxicity tests are reported to the Board then Coalition is fully compliant. Look to contract with the laboratory for responsibility.
- Will the Board allow random error from the laboratory?

This Recommendation will be refined by the Triggers Focus Group for presentation during the September TIC Meeting.

VI. **Sediment Toxicity Focus Group Recommendation #2.** John Swanson presented the recommendation and no opposition was expressed. This recommendation is submitted to Board Staff and Staff will provide feedback at the September TIC Meeting.

VII. **Laboratory Round Table Recommendation #1. Analytical Methods Used for Chemistry Analysis.** A few minor editorial changes were made during the meeting. The sentence with “data quality objectives” was revised during the meeting. Note that an adjustment to Footnote D of Table 1 will be needed if this change is included in the MRP.

Consensus was reached on the recommendation by the TIC and it will be submitted to Central Valley Water Board Staff for feedback at the September TIC meeting.

- VIII. **Laboratory Round Table Recommendation #2.1.** Revisions were made to the text of this recommendation during the meeting. The list of specific analytes will be removed from the text and replaced with a general statement for constituents that do not have the Quality Control requirements listed. The Focus Group will work to make any final edits and present the final recommendation for approval at the September TIC Meeting.
- IX. **Laboratory Round Table Recommendation 2.2. Quality Control for Table 1 Analytes.** A concern was raised regarding laboratories being responsible for variability in field duplicates and field splits. Laboratory representatives don't think they should be responsible when RPD is greater than 25% in either case. The Focus Group will evaluate language and make final edits to present the final recommendation for approval at the September TIC meeting.
- X. **Laboratory Round Table Recommendation 3.** TIC participants did not provide any comment or discussion for this recommendation. Any comments on this recommendation can be submitted to the Focus Group (via dhuggins@waterboards.ca.gov) by 22 August 2006. This Recommendation will be considered for approval at the September TIC meeting.
- XI. **Laboratory Round Table Recommendation 4.1 and Recommendation 4.2.** TIC participants did not provide any comment or discussion on these two recommendations. The recommendations will be considered for approval at the September TIC Meeting.
- XII. **Closing.** Bill Croyle described the timeline for revising the MRP and presenting to the Board during the December 7-8 Board Meeting. The Tentative MRP will need to be public noticed on or about 2 October 2006, and all public comments will be due by October 31. Any revisions following the comment period will need to be put in place and provided to the Central Valley Water Board by 13 November.

Dave Ceppos will work with the Board and TIC participants to develop a track changes system that can work for all.

Next Meeting:

The next meeting will be held on **19 September 2006**. Please note that the September meeting will be held on the third Tuesday of the month, or **19 September** in order to avoid conflicts with the American Chemical Society Meeting on Pyrethroids in San Francisco.

STATUS of Previous Action Items

1. TIC Members will develop alternative language to address concerns expressed about the Tentative MRP, page 8, last paragraph on Management Practices implementation. *(Item from February meeting – no recommendations received; no action has taken place)*
2. The SWAMP program will work with the Irrigated Lands Coalitions to 1) develop a crosswalk between ToxCalc and SWAMP, 2) provide training for utilizing the database, QAPP development, and 3) to solicit constructive comments and suggested changes for modifications that can be made to the database. *(Margie Lopez Read will communicate with Val Connor regarding the status of the crosswalk and training opportunities. No comments or suggestions received to date)*
3. TIC members wish to work on re-wording the ILP QAPP so that it is better coordinated with the SWAMP QAPP. A focus group (laboratory?) discussion for this will be arranged. *(Staff prepared a comparison table between the two QAPPs, and this was presented at the 9 May 2006 TIC meeting)*
4. TIC members are going to provide comment on the studies that are used to provide numeric interpretation of narrative quality objectives. The appropriate focus group may be the Triggers Focus Group. *(This was discussed at the 9 May 2006 meeting, and at the 13 June meeting)*
5. The Triggers group will continue to expand upon and improve the Options Table for storm water that was presented, and to draft up Problem Statements and language for a recommendation. *(no additional information has been submitted by members of the Focus Group)*
6. Language in the Tentative MRP will need to be clarified by staff so that the submittal of data for the ILP is consistent with SWAMP requirements. *(to be added by Staff with next version of a tentative MRP)*
7. Stephen Clark of Pacific EcoRisk, and Sandy Nurse of Sierra Foothill Labs will work on developing cost-estimates for a laboratory to submit electronic data in a SWAMP comparable format. *This was completed and presented at the 13 June 2006 meeting.*
8. Water Board staff will organize a presentation by Fish and Game regarding the Bioassessment project in Central Valley agriculture lands. *(This is tentatively postponed until the MRP recommendation process can be completed.)*
9. CCP will provide recommendations to staff about comment tracking protocols and methods to enhance readability of subsequent MRP recommendations/revisions from the TIC and Staff. *(to take place in near future)*
10. Staff and the TIC will further discuss the term “source” in a future meeting to ensure that there is shared meaning on the term and that there is clarity on it’s use. *(ideas for language*

alternatives were shared via email communications and language was modified for the TIC focus group recommendations presented at the 9 May 2006 meeting.

11. Focus groups will continue to meet to provide proposed recommendations for the 11 April meeting. *(done and will be continued)*
12. Central Valley Water Board staff will provide comments regarding the TIC Recommendation #1 at the 9 May 2006 TIC meeting. If there are questions or concerns from staff regarding the recommendation they can be discussed at that time. *(This was completed at the 13 June 2006 meeting)*
13. Central Valley Water Board Staff will re-introduce to the TIC the objectives behind the requirement for utilizing a SWAMP comparable format at the 9 May meeting. *(This did not occur, due to lack of time availability. The discussion will occur at a later date).*
14. Stephen Clark will work with the Laboratory Round Table to provide a comparison of the types of entries required by the SWAMP comparable database with a minimal submittal that might be considered necessary for compliance evaluation with the ILP. Real world examples of data entries will be used to the extent feasible. *This was completed at the 13 June 2006 meeting.*
15. Comments received on Triggers Group Recommendations 2, 3, and 4 will be addressed by the Focus Group, and the revisions will be recirculated to the TIC with the goal of ratifying these Recommendations on 9 May 2006. *(Done)*
16. Triggers Focus Group will consider developing recommendations for the scenario of a failed toxicity test and appropriate follow-up in order to address comments regarding TIC Recommendation #1. *(action still pending)*
17. Triggers Focus Group will work on minor language changes to the Recommendations #2-4, for which there was agreement by the TIC to forward them to Water Board staff.
18. FG Recommendation #6 will be routed to the entire TIC by email to see if any comments are made. If only minor changes are requested or suggested, the recommendation will be forwarded to Water Board staff as a comment to the tentative Conditional Waiver documents. *The Recommendation reached consensus and is being forwarded to the Water Board staff for consideration in the MRP and for comment by the September 2006 TIC meeting.*
19. Sediment Toxicity Focus Group Recommendation #1 was presented at the 13 June 2006 meeting, for approval by the TIC. *After some modifications, the Recommendation was accepted by the TIC and forwarded to the Regional Board for comment at the September 2006 TIC meeting.*
20. TIC members should reviewed the Triggers Focus Group Recommendation #5 at the 11 July meeting and agreed that it be used as a recommendation to Water Board staff. *Comments will be provided from staff to the TIC at the September 2006 TIC meeting.*

21. The CVRWQCB staff did solicit comments from various programs at the CVRWQCB regarding Triggers Focus Group Recommendations 2-5, and for Sediment Toxicity Focus Group Recommendation #1. These were presented at the 11 July 2006 meeting.